

No. , 1899.

A BILL

To amalgamate the Savings Banks and to consolidate and amend the laws relating thereto.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Amalgamation of Banks.

1. On the commencement of this Act the Savings Bank Con-^{Repeal.}solidation Act of 1862, and the Government Savings Bank Act of 1870, shall be repealed ; but such repeal shall not affect any legal or equitable rights, claims, or demands existing at the date of the repeal and falling within the provisions of sections eleven, twelve, or thirteen of this Act.

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2. On and from the commencement of this Act the two institutions known as the Savings Bank of New South Wales and the Government Savings Bank, respectively created and administered under the provisions of the Acts in the preceding section mentioned, shall be amalgamated and form one institution under the designation of "The Government Savings Bank of New South Wales," hereinafter called "the Bank."

Amalgamation of
Savings Banks.

The Commission.

3. The Bank shall be administered, directed, and managed under and subject to the provisions of this Act, by The Government Savings Bank Commission (hereinafter in this Act called "the Commission"), consisting of seven members, as hereinafter in this Act provided.

Government Savings
Bank Commission.

4. By virtue of this Act the Commission is hereby constituted a body corporate, under the name of "the Government Savings Bank Commission," and by that name shall have perpetual succession and a common seal, and be capable in law of suing and being sued, and of prosecuting and informing in all courts, as well criminal as civil; and shall have power to accept, purchase, and hold real property of every kind, nature, and description, and to sell, assign, exchange, demise, grant, alienate, release, acquit, and convey the same, and also to procure, receive, and take, acquire, have, and possess any description of personal property, or any rights, benefits, easements, or privileges whatsoever.

Commission to be a
body corporate.

The corporate power and capacity hereby conferred upon the Commission may be exercised and enjoyed at all times without suspension or abatement, notwithstanding that the full number of appointments to the Commission have not been made, and notwithstanding any temporary vacancy in the membership of the Commission.

5. The Colonial Treasurer for the time being shall, ex-officio, be a member of the Commission, and the six remaining members shall be appointed by the Governor; provided that no member of either House of Parliament, except the ex officio member, shall be a member of the Commission.

Members of the
Commission.

The members of the Commission, other than the ex officio member, shall not be appointed for a longer period than three years; but shall, on the expiration of their respective terms of membership, be eligible for re-appointment.

6. (1) Any three members of the Commission shall form a quorum, and subject to the next following provision shall have and may exercise all and every power and authority conferred upon the Commission.

Quorum.

(2) If at any meeting of the Commission at which three members only are present, such members differ in opinion upon any matter, the determination of such matter shall be postponed to some subsequent meeting.

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7. The Colonial Treasurer for the time being shall be the first president of the Commission, and he shall hold the office of president whilst Colonial Treasurer until the election of a president, as herein provided.

President of the Commission.

The members of the Commission shall, in the month of January in every year, and at any other time when a fresh election becomes necessary by the death, resignation, or removal of the president, or other cause, elect one of their number to be president, who shall hold office for one year or until a successor is elected, and shall be eligible for re-election.

The president shall preside at the meetings of the Commission, and shall have a consultative vote only; and in the absence of the president from any meeting some one of the members then present shall be chosen by the other members assembled to act as chairman at that meeting, and such chairman shall have a consultative vote only.

8. If any member of the Commission becomes a director of any bank or company carrying on banking business within the Colony, or becomes bankrupt, or compounds with his creditors, or is convicted of any criminal offence, or becomes a lunatic, or is absent from the Colony for six months, or is absent without leave granted as hereinafter provided from three consecutive meetings of the Commission, he shall immediately thereupon forfeit his office, and cease to be a member. Any member who forfeits his office shall not be eligible for re-appointment for a period of three years from the date of such forfeiture:

Disqualification of members of the Commission and leave of absence.

Provided that the Commission may grant to any member leave of absence from meetings of the Commission for any period not exceeding three months.

9. The Commission shall meet at least four times in every month at the office of the Bank, on such days and at such hours as may from time to time be fixed for the transaction of the business of the Bank, and the performance of the duties imposed upon the Commission expressly or impliedly by this Act.

Meetings of the Commission.

The Commission shall also meet for any special or extraordinary purpose whenever the president or the general manager considers such meeting necessary, in which case the general manager shall send by post or otherwise to each member of the Commission, a notice in writing of the time and place of such meeting and of the special or extraordinary purpose thereof, two days at least prior to such meeting.

10. No person being a member of the Commission or in any way concerned or employed in the management of the Bank shall be allowed to borrow or receive advances from, or to receive directly or indirectly any payment, gift, profit, or benefit whatsoever from the funds of the Commission or of the Bank, save as in this Act provided. But nothing in this section shall prevent any such person from becoming a depositor in the Bank, or from receiving any interest or other profit fairly and properly due and payable or allowed in respect of any deposit.

No advances or benefits to members of the Commission or persons concerned in management, except as herein provided.

Vesting

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Vesting of property.

11. On and after the commencement of this Act,—

- (a) all lands, tenements, and hereditaments, and all moneys, goods, chattels, and effects, and all mortgages, liens, bonds, guarantees, and other securities for money, and all obligatory instruments, evidences, and muniments, and all powers, rights, and privileges in or under any document of title or security or otherwise existing, and all other effects, rights, powers, and claims whatsoever at law or in equity acquired, had, possessed by, enjoyed, or vested in the Savings Bank of New South Wales, or the trustees or district trustees, or the president or vice-president or other officer of such Bank for any estate on behalf of or for the use or benefit of such Bank, or for any purpose, or upon any trust whatsoever connected with such Bank; and
- (b) all moneys paid to and held by the Colonial Treasurer, either on credit of The Government Savings Bank Trust Fund, or otherwise on behalf of and for the use of the Government Savings Bank; and
- (c) all moneys, bills, notes, drafts, and other securities held by the Government Savings Bank, or the officers, agents, or trustees thereof, on behalf of or for the use of such Bank; and
- (d) all bonds, guarantees, and obligations made or executed to or in favour of the Postmaster-General, or any other person wholly in connection with or on behalf of the Government Savings Bank, or the depositors therein, and all books, documents, papers, and all other property used for or in connection with the business of such Bank,

Lands, money,
securities, &c., to vest
in the Commission.

shall, without any other assignment, conveyance, or assurance than is herein expressed, pass to and become vested in the Commission, and shall for all purposes, whether at law or in equity (subject to the equities affecting the same), be deemed and taken to be the property of the Commission to the same extent as if the right or title thereto, therein, or thereunder, hereby transferred, had originally been vested in the Commission.

12. (1) All persons indebted at or before the commencement of this Act in any sum of money—

- (a) to the Savings Bank of New South Wales, or the trustees or district trustees, or the president, vice-president, or other officer of such Bank on behalf of such Bank; or
- (b) to the Postmaster-General or other person for or on behalf of the Government Savings Bank,

Rights, obligations,
and debts of Savings
Banks to pass to the
Commission.

shall pay the same to the Commission, and the same shall be recoverable by the Commission as a debt due to the Commission.

(2) All moneys due and owing at the commencement of this Act to any person—

- (a) by the Savings Bank of New South Wales or the trustees, or district trustees, or the president, vice-president, or other officer thereof, on behalf or on account of the said Bank; or
- (b) by the Government Savings Bank, or by the Postmaster-General, or other person in connection with or on account of the said Bank,

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shall be paid by and be recoverable from the Commission.

(3) All causes or rights of action, and all liabilities accrued to or against, and all contracts, agreements, mortgages, bonds, guarantees, covenants, and obligations made or entered into by or with—

- (a) the Savings Bank of New South Wales, or the trustees, district trustees, president, vice-president, or other officers thereof, on behalf of the said Bank ; or
- (b) the Government Savings Bank, or the Postmaster-General, or other person on behalf of the said Bank, or the depositors therein,

may be proceeded upon, enforced, put in suit or action, by or against the Commission in its name, in the same way and to the same extent as if the right or liability involved had originally accrued to or against the Commission :

Provided that no right of action shall be held to have accrued against the Commission under this Act in respect of any unclaimed balance to the credit of any of the deceased prisoners referred to in the Act thirty-fourth Victoria number twelve.

13. On and after the commencement of this Act, all cash, money, bills, notes, cheques, drafts, and other effects and securities received from the depositors or customers of the Bank, or from any other person under the provisions or authority of this Act shall vest in the Commission, and shall for all purposes of action, suit, or proceeding, as well criminal as civil, and whether at law or in equity be deemed to be the property of the Commission without further description.

Money, &c., received
by the Bank to vest
in the Commission.

Auditors.

14. The Governor shall, once in every year, nominate and appoint two skilled persons to be auditors of the Bank, who shall be paid such fees as may be reasonable out of the profits of the Bank, and whose duty it shall be at the close of the Bank's financial year to examine and check the books and accounts of the Bank and the operations thereof, and compare therewith the annual statement and balance-sheet of the Bank, to be prepared as hereinafter in this Act mentioned, and to report and certify thereon the result of their audit.

Appointment of
auditors.

Manager and officers.

15. There shall be a general manager of the Bank who shall be paid a salary of two thousand pounds per annum, and shall have the control and management of the Bank, subject to the direction of the Commission. The first general manager shall be appointed by the Governor, and upon any subsequent vacancy in such office the appointment thereto shall likewise be made by the Governor :

Appointment of
general manager.

Provided

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Provided that the general manager shall, before acting in his office, give such security for the due and faithful discharge of the duties thereof in a bond to the Governor with such securities and in such sum as may be fixed by the Governor.

16. The Commission may appoint such officers, servants, and agents as may be required; and every officer, servant, or agent appointed by the Commission whose duties involve the receipt or custody of moneys or securities shall give such security for the due and faithful performance of his duties as to the Commission may seem proper. Appointment of officers.

The Commission shall fix such yearly salaries to be paid to officers and servants, and such commission, emoluments, or allowances to the agents or auditors appointed or employed in, or in connection with, the Bank, as the Commission may think fit, regard being had to the duties and responsibilities of the persons so appointed or employed.

All such salaries, commission, emoluments, and allowances, and also all charges and expenses in the conduct and management of the affairs and business of the Bank, when authorised or approved by the Commission, shall be paid and defrayed by the Commission out of the profits of the Bank.

Branches and agencies.

17. The Commission may establish branches and agencies of the Bank in any place within the Colony in which it may seem expedient to do so; and may purchase or lease lands or premises necessary for the establishment of and the carrying on of the business of any such branch as aforesaid, and may build and fit up suitable premises therefor. Power to establish branches and agencies.

There shall be an agency of the Bank at every Money Order Office within the Colony under arrangements which the Postmaster-General is hereby directed to make for that purpose.

Orders and rules.

18. (1) The Commission is hereby authorised and required from time to time as occasion may arise to make and issue general or other orders and rules— Orders and rules.

- (a) respecting the transactions and business of the Bank and of the officers, servants, and agents thereof, and for the government and management of the Bank and of any branches thereof established within the Colony, and for the guidance, control, and information, according to the intent of this Act, of all officers, servants, and agents aforesaid, and of all depositors in respect of their transactions with the Bank or its branches; and
- (b) for the keeping, examining, and auditing of accounts of or concerning the Bank or its branches; and
- (c) as to the nature of the securities to be taken or accepted by the Bank, and the manner in which the funds of the Bank are to be invested, used, or applied in the business of the Bank; and
- (d)

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- (d) as to the amount or proportion of cash or securities to be held in the head office or at branches for current requirements, and the transmitting of the excess to the head office; and
- (e) generally for carrying this Act into execution in all other respects as the Commission may think proper.

(2) Every such general or other order or rule shall be signed by the president and at least one member of the Commission, countersigned by the general manager, sealed with the seal of the Commission, and certified by the Attorney-General to be in conformity with or not repugnant to law; and every such order or rule shall take effect from the time of the same having been certified as aforesaid, and shall thereupon, but not sooner or otherwise, have the same force and efficacy as if inserted in this Act.

(3) A copy of every such order or rule shall be sent to the Colonial Treasurer forthwith upon the certificate of the Attorney-General being issued, together with a copy of such certificate, and a second copy of such order or rule and certificate transcribed upon parchment shall be deposited with the Prothonotary of the Supreme Court, who shall, without fee, file the same of record in the Court; and all depositors in the Bank and their representatives shall upon such filing be deemed in law to have full notice thereof; and every transcript so filed, or a certified copy thereof, shall be received in all Courts as evidence of the orders and rules therein contained, and of their having been duly made.

Deposits and interest thereon.

19. The Commission is authorised at the Bank and its branches and agencies, and within such hours as may be fixed by general order or rule in that behalf, to receive from any person by way of deposit any sum of money not being less than one shilling nor, except as in this Act otherwise provided, more, whether by one or by successive payments, than one thousand pounds to the credit of any one account; and every sum of money so received shall be immediately entered in the books of the Bank or of the branch or agency of the Bank to be kept for that purpose, and placed to the credit of the depositor or such other person as he may appoint.

Deposits and maximum to credit of individual accounts.

20. It shall not be lawful for any person either in his own name or in the name of any other person on his behalf or on his account to deposit or hold at the same time moneys in more than one office or branch of the Bank.

Account to be opened in only one Bank.

21. No depositor shall have any claim on the Commission in respect of any deposit, unless such deposit has been made at the office of the Bank, branch, or agency during the hours for which such Bank, branch, or agency was open for the receipt of deposits.

Deposits to be made at office.

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22. Where the Minister of Justice so authorises by writing under his hand, it shall be lawful for the Commission to receive any deposit from or on behalf of any person serving any sentence for a criminal offence, and to allow interest thereon in like manner as on other deposits, and to pay to any such person the principal sum and interest thereon at the expiration or upon the remission or other determination of his sentence.

Deposit may be received from person serving sentence.

23. Deposits may be received from any minor or from a parent or other relative of a minor in the name and on behalf of any minor, and such deposits or any part thereof and any interest thereon shall be paid on the application in writing of the parent or other relative who has made the deposit, or of the minor himself in case he has made the deposit, or in case the parent or other relative aforesaid has died; and the receipt of such parent or relative of any such minor shall be a sufficient discharge of the Commission in respect of any such payment.

Deposits of minors.

24. Deposits may be received from any person who declares himself willing to act as a trustee for the account of any other person disabled by idiocy, lunacy, or unsoundness of mind, and the receipt of such person so acting as trustee shall be a sufficient discharge to the Commission in respect of the payment of any such deposit, or any part thereof or any interest thereon.

Persons of unsound mind may make deposits by trustees.

25. Where the Supreme Court, or any Judge thereof, by any order, directs that any sum of money (whether under or over the sum of one thousand pounds) received or to be received by or which may be in the custody or power of any person acting under the direction or control of, or accountable to the said Court, shall be deposited in the Bank, in such manner, and on such account, and for such purposes, as the said Court, or a Judge thereof, may direct, the Commission shall receive such deposit.

Moneys under control of the Supreme Court may be invested in the Bank by order of Supreme Court, or a Judge thereof.

All and each of such sums of money so deposited as aforesaid shall, from the time of being so deposited respectively, bear interest at the rate of one-half the amount of interest allowed to any ordinary depositor in the Bank :

Provided that no such sum of money nor any part thereof nor the interest thereon, shall be paid otherwise than by or in pursuance of an order of the said Court, or of a Judge thereof, and then only in accordance with the rules of the Bank in that behalf.

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26. It shall be lawful for the Commission to receive the deposit of all or any portion of the funds, whether trust funds or otherwise, of any municipal council or any friendly society (not being a building or trading society) registered under any Act relating to friendly societies, or any charitable society (whether the sum so deposited is under or over the sum of one thousand pounds), and to allow interest thereon in like manner as on other deposits. Friendly and charitable societies may make deposits.

Any such deposit may be made by the mayor, trustees, or other proper officer in that behalf appointed by such council or society, and the receipt of any mayor, trustee, treasurer, or other officer of such council or society shall be a sufficient discharge to the Commission in respect of the payment of any such deposit or any part thereof or any interest thereon.

27. Every depositor in the Bank on his first deposit shall be furnished by the Commission with a deposit book, in which shall be printed at length a copy of the orders and rules of the Bank having reference to deposits and depositors; and a duplicate copy of the general orders and rules of the Bank shall be affixed in some conspicuous place in the Bank and in every branch thereof, and open to the inspection of every depositor or person intending to become a depositor. Rules to be inserted in deposit books.

28. Subject to the provisions of this Act, every person who has deposited any sum of money with the Commission, or the person on whose account any such deposit has been made, and to whose credit it is placed in the books of the Bank, shall be entitled to receive interest on the same at the rate to be from time to time fixed by the Commission; and it shall be in the power of the Commission (subject however to the provisions of this Act) to limit the interest, so as not to be payable on the excess over four hundred pounds in any one account: Interest on deposits.

Provided that, however, subject to the provisions of this Act, that interest shall not be allowed on any sum less than one pound, nor on odd shillings and pence, and that the interest shall be calculated by months, omitting odd days, and that such interest shall be payable out of the profits of the Bank, and at the close of the Bank's financial year shall be added to and incorporated with the sums then standing in the books of the Bank to the credit of the depositor or the person on whose account the deposit has been made.

Repayment of deposits.

29. On demand of any depositor or person legally entitled to claim on account of a depositor made in such form as may be prescribed in that behalf by regulations made by the Governor for payment of any deposit or any part thereof, the authority for such payment shall be transmitted to the paying-office forthwith, and within ten days at furthest after such demand as aforesaid such depositor or person shall be absolutely entitled to payment of any sum or sums that may be due to him at any office where deposits are received and paid. Depositors when entitled to repayment after demand.

30. When any payment is made or act done by the Commission in accordance with this Act and the regulations for the time being made thereunder, it shall be indemnified against all claims on the part of any person in respect of such payment or act, but any person may nevertheless recover any sum lawfully due to him from the person to whom the Commission has paid the same. Payments protected.

31.

31. Deposits made by or on account of a married woman, without notice to the Commission of her marriage, shall be paid to her unless in a case where no order has been made by a Court, Judge, or Justice of the Peace, protecting the earnings or property of such woman, the husband gives to the Commission notice in writing of such marriage, and requires payment to be made to himself as such husband, in which case the Commission may, in its discretion, pay any such deposit or any part thereof, and any interest thereon, to such husband or such woman. Deposits of married woman.

32. If any depositor or any person on whose account a deposit has been made being illegitimate dies intestate, leaving any person or persons who, but if such depositor or person had been legitimate, would be entitled to the deposit, it shall be lawful for, but not obligatory upon, the Commission to pay the deposit or any part thereof and any interest thereon to any one or more of the persons who claim such money and who would be entitled to the same, according to the law, if the said depositor or person had been legitimate. Illegitimate depositors.

33. The payment of any money or transfer of any securities for money by the Commission to any person or persons producing letters of administration of the estate of, or probate of the will of any depositor or person entitled to any deposit or other money shall be valid and effectual as against any claim or demand of any other person or persons as the lawful representative or representatives of such depositor or person upon the Commission; but, nevertheless, such representative or representatives may have remedy for such money or securities for money so paid or transferred as aforesaid against the person or persons who have received the same. Payment to person having probate or administration.

34. Where the whole amount due to a depositor or person on whose account a deposit has been made at the time of his decease does not exceed two hundred pounds, exclusive of interest, and probate of the will of such depositor or person, or letters of administration to his estate and effects, is not or are not produced within such time as the Commission thinks reasonable, if such depositor or person has made no nomination, or so far as any nomination does not extend, the Commission may, without requiring such probate or letters of administration, in its discretion pay or distribute the amount so due as aforesaid to or among any of the persons hereinafter described or indicated, that is to say:— Funds of a deceased depositor not exceeding £200.

Any person who has paid the funeral expenses of the depositor or person.

Creditors of the depositor or person.

The widow or widower of the depositor or person.

The person entitled to the effects of the depositor or person according to the statutes of distribution.

The person entitled to take out probate or letters of administration to the depositor or person.

In the case of foreign seamen, the consular authority of any country with whom a treaty has been made relative to the payment of moneys due to such seamen

Any person undertaking to maintain the children of the depositor or person.

The Curator of Intestate Estates if the estate of the depositor or person has devolved upon the Crown. In

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In making such payment and distribution as aforesaid, the Commission shall have regard to the rules of law regulating the distribution of the estates of intestates, but it may, nevertheless, when it considers that injustice, hardship, or inconvenience would result from adherence to such rules, make such payment and distribution otherwise than in accordance with such rules.

The receipt of any of the persons mentioned in this section shall be a good discharge to the Commission for the sum paid, and any such receipt may be signed by any widow, widower, or next of kin above the age of sixteen years, notwithstanding that she or he has not attained the age of twenty-one years.

Unclaimed deposits.

35. All depositors' accounts in the Bank, not being accounts of deposits made on behalf of minors, which have not been operated upon either by the addition or withdrawal of deposits for a period of seven years or upwards may, with any interest placed to the credit of such accounts, be balanced and closed, and the balances thereof respectively shall be transferred in the names of the respective depositors to an account to be called the "Depositors' Unclaimed Fund," which fund may be from time to time lent out and invested by the Commission in the same manner as the other funds of the Bank; and any sum transferred to the depositors' unclaimed fund shall, when duly applied for, be paid thereout to the person entitled to receive the same, but without any interest thereon from the time when it was so transferred; and the interest arising from the employment of the depositors' unclaimed fund shall be added to and form part of the general profits of the Bank.

Accounts not operated upon for seven years.

When any account is closed as hereinbefore provided the same shall be notified in the Gazette, and in one newspaper published in the municipality or district within which the last known residence of the depositor is situate.

Disputes with depositors.

36. If any dispute arises between the Commission and any depositor, or person on whose account a deposit has been made, or any person who is or claims to be executor, administrator, next of kin, or creditor of any such deceased depositor or person, the matter so in dispute shall be referred to the arbitration of two indifferent persons, one to be appointed by the Commission and one by the other party to the dispute, and in case such arbitrators fail to agree they shall appoint an umpire, before they commence the inquiry, and the award, order, or determination of such arbitrators, or in default of agreement of such umpire, shall be binding and conclusive on all parties, and shall be final to all intents and purposes without any appeal. The parties to such arbitration shall be entitled to be represented by counsel, but no costs shall be allowed or payable in respect of such arbitration except to the arbitrators and umpire:

Disputes between the Commission and depositors to be settled by arbitration.

Provided that whenever the subject-matter in dispute is a sum of money

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money exceeding two hundred pounds, the award, order, or determination of such arbitrators or umpire shall be liable to be reviewed, altered, annulled, or revised on application by way of special case to the Supreme Court or any Judge thereof.

Guarantee of deposits.

37. The repayment of all moneys deposited with the Commission under the provisions of this Act shall be considered and held to be secured by guarantee of the Government of New South Wales. Deposits guaranteed by the Government.

Borrowing by the Commission.

38. It shall be lawful for the Commission to borrow, and for the Governor to guarantee the repayment of any money, the loan of which it may at any time become necessary for the Commission to negotiate, in order to meet the demands of depositors desirous of withdrawing their deposits: Provided that no such loan or loans outstanding and so guaranteed shall exceed at any one time the sum of two hundred thousand pounds; and the Governor shall in all cases cause the Commission to give such security for the protection of any such guarantee as may in his opinion having reference to each particular case be necessary or advisable. Governor may guarantee loan not exceeding £200,000.

To meet any sudden demand or emergency, the Governor may, upon like security, by warrant under his hand direct and authorise advances not exceeding one hundred thousand pounds to be made to the Commission out of the Consolidated Revenue Fund, but in any such event the fact that such advance has been made shall, as soon as may be, be reported to both Houses of Parliament.

Investments.

39. It shall be lawful for the Commission to deposit any portion of the funds of the Bank— Deposit or investment of funds by the Commission.

(a) in the Treasury, upon such terms and conditions as may be agreed upon between the Colonial Treasurer and the Commission; or

(b) in any Bank in the Colony, at such rate of interest as may be agreed upon,

and to use or invest any portion of such funds in the purchase of or by way of loan upon the security of—

(c) any debentures, or other form of security, issued or granted by the Government of New South Wales, and secured upon the Consolidated Revenue Fund, or any public debt contracted under Legislative authority by or on behalf of such Government: Provided that should the Commission deem it desirable to sell or dispose of any such debentures or other security that it may have purchased, it shall notify the Colonial

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Colonial Treasurer, and the said Treasurer may forbid such sale or disposition, in which event the Commission shall not proceed further therewith ;

- (d) any shares, debentures, or other securities guaranteed by such Government, either permanently or until payment of an ascertained principal sum ;
- (e) any debentures lawfully issued by the Municipal Council of Sydney or by the council of any municipality legally established,

and with or out of such funds to lend money ;—

- (f) upon mortgage of any land or hereditaments in the Colony of New South Wales of an estate of inheritance in fee simple free from all charges and incumbrances or of any conditional purchases within the meaning of the Crown Lands Acts on which the conditions (except as to the payment of the balance of purchase money) have been fulfilled : Provided that no loan made after the commencement of this Act to any one person or body of persons upon mortgage shall exceed the amount of eight thousand pounds or be in any greater proportion than one-half of the ascertained total value of the property subject to such mortgage, and that not more than one-half of the whole moneys deposited with the Commission shall be lent on such mortgages as aforesaid ;
- (g) to the Municipal Council of Sydney, or to the council of any municipality established under the provisions of the Acts in force for the time being creating and regulating municipal corporations, not exceeding in the aggregate the amount of the revenues of such council or municipality respectively for the preceding period of three years : Provided that the repayment of such money shall be secured on the entire rates and revenues of the said council and municipalities respectively from whatever source arising, and that the principal sums shall be made payable and recoverable, together with all interest and charges accruing thereon, within a period not exceeding ten years from the date of the lending of such money respectively ;
- (h) in such amounts and for such periods and subject to such conditions as the Commission may think fit upon such securities as the Governor, on the recommendation of the Commission, may from time to time authorise by proclamation in the Gazette :

And any loan or advance on any security not herein specified or authorised by proclamation as aforesaid shall be deemed unlawful.

Reserve fund.

40. Out of the profits of the business of the Bank, the Commission shall yearly set apart such sums, not being less than one-twentieth nor more than one-fifth part of the whole of the said profits

Reserve fund.

profits as the Commission may think proper, towards the establishment of a reserve fund for the purpose of equalising the rate of interest payable on deposits, and for meeting any loss or deficiency which may occur.

Annual accounts.

41. An account and balance-sheet made up to the last day of the financial year shall be prepared by the Commission and forwarded to the Colonial Treasurer not later than three months after the close of the Bank's financial year, and shall be laid before both Houses of Parliament within fourteen days after the same have been received by the Colonial Treasurer if Parliament is then sitting, and if Parliament is not then sitting, then within fourteen days after the commencement of the next session thereof.

Accounts to be prepared by the Commission and to be laid before Parliament.

Such account and balance-sheet shall be in such form and shall show such particulars as the Governor may from time to time direct, and shall be signed by the president of the Commission, the general manager of the Bank, and the two auditors, and by them certified to be correct.

Forms of documents.

42. Subject to the provisions of this Act all receipts, orders, certificates, indorsements, books, accounts, returns, and instruments, and other matters or things whatsoever required for carrying this Act into execution shall be made in such form or manner, and containing such particulars, and under such regulations as may from time to time be directed or required or approved of by the Commission.

Accounts, &c., to be kept in form directed by Commission.

43. The deed of mortgage, conveyance, or appointment of any lands and hereditaments, the title to which is not represented by Crown grant or certificate of title under the Real Property Act, on the security whereof any sum of money is lent by the Commission under the provisions of this Act, or any deed of release or reconveyance of such lands and hereditaments aforesaid, executed by the Commission, may be according to the forms in the First and Second Schedules, respectively, or as near thereto as the circumstances of the case admit, or in any other form.

Form of conveyance, &c.

Any deed made according to the form in the First Schedule, or as near thereto as the circumstances of the case admit, shall operate as a valid appointment, grant, release, and conveyance of such lands and hereditaments, and shall be effectual to vest the lands and hereditaments expressed to be thereby appointed, granted, released, or conveyed in the Commission.

Any release and reconveyance endorsed on any such deed in the form set forth in the Second Schedule, or as near thereto as circumstances will permit, shall operate and enure as an effectual release and reconveyance of any lands and hereditaments referred to in such deed; and the form of reconveyance mentioned in the Second Schedule executed
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by the Commission shall be as effectual to pass the legal estate in land before the commencement of this Act vested in the trustees, district trustees, president, vice-president, or other officer of the Savings Bank of New South Wales, and as a discharge for the money therein expressed to have been repaid, as such form is to pass the legal estate in land mortgaged in the first instance to the Commission, for securing money lent by the Commission, and released and reconveyed in such form, and as a discharge for such money.

44. Every such deed, unless any exception is specially made therein, shall be held and construed to include all houses, outhouses, edifices, barns, stables, yards, gardens, orchards, commons, trees, woods, underwoods, mounds, fences, hedges, ditches, ways, water-courses, lights, liberties, privileges, easements, profits, commodities, emoluments, hereditaments, and appurtenances, whatsoever, to the land therein comprised, belonging, or in anywise appertaining, or with the same demised, held, used, occupied, and enjoyed, or taken, or known as part or parcel thereof, and also the reversion or reversions, remainder or remainders, yearly, and other rents, issues, and profits of the same lands, and of every part and parcel thereof, and all the estate, right, title, interest, inheritance, use, trust, property, profit, possession, claim, and demand whatsoever, both at law and in equity, of the mortgagor, in, to, out of, or upon the same lands, and every part and parcel thereof, with their, and every of their appurtenances.

Deed to include all houses, &c.

45. In each deed of conveyance or appointment of lands or hereditaments, expressed to be made to the Commission under this Act, whether in the form in the First Schedule contained or not, the word "grant" shall operate as express covenants by the party thereto purporting to convey or appoint for himself and his successors, or for himself, his heirs, executors, administrators, and assigns (as the case may be), with the Commission and its assigns, as follows, except so far as the same is restrained or limited by express words contained in any such deed (that is to say):—

Effect of word "grant."

A covenant that the party professing to convey was at the time of the execution of such conveyance seised or possessed of the lands and hereditaments expressed to be thereby granted or conveyed for an indefeasible estate of inheritance, in fee simple in possession free from all incumbrances :

A covenant by the party professing to appoint for himself, his heirs, executors, administrators, and assigns, that the power to make such appointment was well created, and at the time of such appointment is in full force and effect, and that he has full power to make such appointment :

A covenant that the Commission and its assigns shall quietly enjoy such lands and hereditaments and be indemnified and saved harmless by the said party, his heirs, executors, administrators, and assigns, from all incumbrances whatsoever :

A covenant for further assurance of such lands and hereditaments at the expense of and by such party, his heirs, executors, administrators, and assigns, and all persons claiming under them or any of them; and a covenant that the Commission and its assigns, may in all actions brought by them assign breach of covenants as they might do if such covenants were expressly inserted in such deed of conveyance or appointment.

46. Whenever any party to any deed expressed to be made in pursuance or by virtue of this Act, or referring thereto, employs in any such deed any of the forms of words contained in Column I of the First Schedule and distinguished by any number therein, such deed shall be taken to have the same effect and to be construed as if such party had inserted in such deed the form of words contained in Column II of the same Schedule, and distinguished by the same number as is annexed to the form of words employed by such party; but it shall not be necessary in any such deed to insert any such number.

Where the words of Column I are employed deed to have same effect as if words in Column II were inserted. First Schedule.

47. Where any loan is made by the Commission to the Municipal Council of Sydney or to the Council of any municipality under the provisions of section thirty-nine, the deed or instrument securing the repayment of such loan may be in the form of the Third Schedule; and such deed or instrument, executed by the Mayor for the time being of such council or municipality, and sealed with the seal of such council or municipality, shall be valid and effectual as a mortgage and charge of the rates and revenues, present and future, of such council or municipality to the extent of the said loan and interest thereon, notwithstanding the omission by such council or municipality, or by the Mayor or Aldermen thereof, or any other person, to comply with any statutory requirements by way of conditions precedent or otherwise, to the right of such council or municipality, or the Mayor and Aldermen thereof, to contract such loan or to create such mortgage or charge.

Forms of mortgage in case of loan by a municipality.

48. A release executed in the form of the Fourth Schedule shall be a valid and effectual release and discharge for all purposes of any mortgage or charge secured by deed or instrument in the form of the Third Schedule.

Release of such mortgage.

Penalties.

49. Every person who forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any deposit-book, or entry therein, or any deed, rule, order, bond, or writing obligatory, or any acquittance, receipt, release, account, or statement, or the seal of the Commission, or any accountable receipt, either for money or goods, or any note, bill, or other security for payment of money, or letter, or power of attorney, or other instrument in writing or print, or partly in writing and partly in print, or who makes any false entry, or knowingly makes up any untrue account which concerns or relates to the affairs or business of the Bank or the Commission with intent to defraud, shall be guilty of felony and liable to penal servitude for a term of ten years, but subject to the provisions of section four of the Act fifty-fifth Victoria number five.

Punishment of forgery and false pretences.

Every person who, with intent to defraud, falsely pretends to be the owner of or entitled to receive payment of any deposit made under this Act, or of the interest upon any such deposit, and demands or claims from the Bank, or any person employed by the Bank, the payment

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payment of any such deposit or part thereof, or any interest thereon, and whether such person does or does not thereby obtain such deposit or interest, or any part thereof, shall be guilty of a misdemeanour, and liable to imprisonment with or without hard labour for a period not exceeding *five* years.

Commencement and Short Title.

50. This Act shall take effect on the first day of January, one thousand nine hundred (in this Act referred to as the commencement of this Act), and may be cited as the "Government Savings Bank Act, 1899." Commencement and short title.

SCHEDULES.

FIRST SCHEDULE.

Form of conveyance by way of mortgage.

I [or "we," as the case may be], of _____ in the Colony of New South Wales [description] mortgagor, in consideration of the sum of _____, paid to me by the Government Savings Bank Commission out of the funds and moneys of the said Bank, do hereby, by virtue of the Government Savings Bank Act, 1899, appoint, grant, release, and convey to the said Commission and its assigns all [describing the lands and hereditaments to be granted and conveyed], to hold the same to the said Commission and its assigns for ever, subject to the proviso for redemption hereinafter contained.

[Here may be inserted the abbreviated forms in Column I in this Schedule.]

In witness whereof _____ have hereunto set hand and seal, and the common seal of the said Commission has been duly affixed hereto the _____ day of _____, in the year of our Lord, one thousand nine hundred and _____

Signed, sealed, and delivered by _____ in the presence of
(Mortgagor's signature and signature of any other necessary party.)
Common seal (L.S.)

Directions as to the Forms in Column I and Column II.

Parties who use any of the forms in Column I of this Schedule may substitute the feminine gender for the masculine, or the plural number for the singular, in any of the forms in Column I of this Schedule, and corresponding changes shall be taken to be made in the corresponding forms in Column II; and such parties may fill the blank spaces left in any of the forms in Column I of this Schedule so employed by them with any words or figures, and the words or figures so introduced shall be taken to be inserted in the corresponding blank spaces left in the forms embodied.

Column I.

(1) Provided if I, my heirs, executors, administrators, or assigns shall pay to the said Commission the said sum of £ [principal sum], together with all interest due in respect thereof at the rate of £ _____ per centum per annum on the _____ day of _____ next, the said Commission shall grant and reconvey the said premises

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Column II.

(1) Provided always that if I, the said mortgagor, my heirs, executors, administrators, or assigns shall pay unto the said Commission or its assigns, the said sum of £ [principal sum], together with interest for the same in the meantime at the rate of £ _____ per centum per annum on the _____ day of _____ next, without any deduction or abatement whatsoever, then the said Commissioners or its assigns will at any time thereafter upon the request and at the cost of me, my heirs, executors, administrators, or assigns, reconvey, grant, and release the said premises unto me, my heirs, executors, administrators, and assigns, or as I or they shall direct, free from incumbrances by the said Commission and its assigns.

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FIRST SCHEDULE—continued.

Column I.

to me and my heirs free from the incumbrances of the said Commission and its assigns.

(2) And I hereby empower the said Commission on default made in the payment of the said principal sum of £ , or any interest or any part thereof respectively, on giving three months' previous notice in writing of their intention to sell the said premises or any part thereof by private contract or public auction, and to execute proper deeds of conveyance to the purchaser, and to repay themselves all expenses and all moneys due and pay me the balance.

Column II.

(2) Provided always and it is hereby further declared and agreed, by and between me the said mortgagor and the said Commission, that if default shall be made in payment of the said sum of £ , or the interest thereof, or any part thereof respectively, on the days and times hereinbefore appointed for the payment of the same, it shall be lawful for the said Commission or its assigns, but without prejudice to their right, to file and prosecute any bill of foreclosure against me, my heirs, executors, administrators, and assigns, at any time or times after such default shall have been so made, having first given three months' previous notice in writing of such their intention to me, my heirs or assigns, or having published the same in two of the public newspapers in the city of Sydney, without any further consent on the part of myself, my heirs, appointees, executors, administrators, or assigns, to make sale and dispose of the said piece or parcel of land, hereditaments, and premises, or any part or parts thereof, expressed to be hereby assigned either together or in parcels, and either by public auction or private contract, with full power upon any such sale or sales to make any conditions or stipulations as to title or otherwise, which he or they shall deem necessary, and also with full power to buy in the same land, hereditaments, and premises, or any part or parts thereof, at any such sale or sales, or to rescind any contract or contracts for the sale of the same land, hereditaments, and premises, or any part or parts thereof, and to resell the premises either by public auction or private contract as aforesaid, which shall have been so bought in as aforesaid, or as to which any contract or contracts for sale shall have been so rescinded as aforesaid without being responsible for any loss that may be occasioned thereby, and that for the purposes aforesaid, or any of them, or for the purpose of conveying or assuring the said piece or parcel of land, hereditaments, and premises, or any part thereof unto the purchaser or purchasers thereof respectively, it shall be lawful for the said Commission and its assigns to make and execute, sign, seal, and deliver, or cause to be made and executed, signed, sealed, and delivered all such acts, deeds, agreements, conveyances, and assurances whatsoever as the said Commission or its assigns shall think fit. And it is hereby also agreed and declared that upon any such sale as aforesaid the receipt or receipts in writing of the said Commission or its assigns for the purchase money of the premises so sold shall be an effectual discharge or discharges to the purchaser or purchasers for the money therein respectively expressed to be received, and that the purchaser or purchasers after payment of his or their purchase money shall not be concerned to see to the application of such purchase money, and shall not be answerable for any loss or misapplication or non-application thereof, or bound to inquire or ascertain that any default had been made in the payment of the said sum of £ or the interest thereof, or that the said sum of £ or the interest thereof or any part thereof respectively may then be owing, or that no such notice had been given as aforesaid, or be affected by direct notice that no such default had been made or notice given as aforesaid. And out of the money to arise by the sale of the aforesaid hereditaments and premises, or any part or parts thereof, it shall be lawful for the said Commission or its assigns to retain and reimburse unto the said Commission and its assigns all such costs, charges, and expenses as they shall sustain, expend, and be put unto, in, or about the making or carrying into effect of such sale or sales, or by reason of the non-payment or the procuring payment of the said sum of £ and interest, or any part thereof respectively, or in anywise relating thereto. And from and after payment and satisfaction thereof to retain and to pay themselves the said principal sum of £ and all interest thereon which shall have accrued and shall then remain owing. And also all such sums as shall be paid by the said Commission or its assigns for insurance as hereinafter mentioned, with interest thereon as hereinafter mentioned, and shall

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FIRST SCHEDULE—continued.

Column I.

(3.) And I will insure the said premises against fire in the sum of £ [principal sum], and deliver the receipts for payment of the policy of insurance to the Commission, and in default of such payment by me the Commission may pay the insurance premium, and I will repay on demand to the said Commission such premium, and the same shall be a lien on the said premises.

Column II.

shall and do pay the residue and surplus, if any, of the money which shall arise by such sale or sales unto me, my heirs, executors, administrators, or assigns.

(3.) And I do hereby, for myself, my heirs, executors, administrators, and assigns, covenant and agree with the said Commission and its assigns that I will at all times thereafter, so long as the whole or any part of the said principal money or interest shall be unpaid, or be secured to be paid upon or by virtue of these presents, insure and keep insured from loss or damage by fire, in the name of the said Commission or its assigns, in and with some respectable insurance office or company in Sydney, to be approved of by the said Commission or its assigns, the messuages, dwelling-houses, and other buildings erected and built upon the said piece or parcel of land hereinbefore described, and all such other erections or buildings as shall at any future time be erected, built, or standing thereon, or a sufficient portion thereof, in the sum of £ [principal sum] at the least. And shall and will at the time of the execution of these presents deposit and leave with the said Commission or its assigns the policy of insurance of the said messuages, dwelling-houses, and buildings, and shall and will, during the continuance of this security as aforesaid, pay or cause to be paid such annual and other premiums, and duty, and other sum or sums of money as shall become payable, in order to keep effectual the said policy of insurance, and also shall and will within fourteen days after each and every of the said premiums or sums of money as shall become payable in order to keep the said policy of insurance effectual deposit with the said Commission or its assigns the receipt or receipts which I, my heirs, executors, administrators, or assigns shall have received for the same. And in default of payment of the said premiums or sums of money as aforesaid, or depositing the said receipts, it shall be lawful for the said Commission or its assigns, at any time or times thereafter, to pay any premiums, or duty, or other sum or sums of money for keeping the said policy of insurance effectual, or otherwise for keeping the said messuages and buildings insured against loss or damage by fire in any sum or sums of money not exceeding the said sum of £ and that I and my heirs, executors, administrators, or assigns will at all times, on demand, pay unto the said Commission or its assigns such sum or sums of money as they shall pay or advance for any of the purposes with interest for the same at the rate aforesaid. And that in the meantime the same with interest as aforesaid shall be and remain charged upon the said piece or parcel of land, messuages, hereditaments, and premises, and the same shall not be redeemable until full payment thereof respectively as well as of the said sum of £ and the interest thereon as aforesaid. And it is hereby declared that the said Commission and its assigns shall hold the policy of insurance to be effected as aforesaid in trust in the first place for the better securing of the said sum of £ and the interest thereof, and the said moneys which shall have been expended by them in and about such insurance or insurances and the interest thereon as aforesaid and subject thereto in trust for me, my heirs, executors, administrators, and assigns.

SECOND SCHEDULE.

Form of release and reconveyance.

[To be endorsed on the mortgage deed.]

The Government Savings Bank Commission in consideration of the principal sum of pounds lent by the said Commission to the within-named on mortgage of the lands and hereditaments within referred to, and this day repaid to the said Commission, together with all interest (if any) amounting to pounds, now also paid by virtue of of

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of the Act within referred to, doth hereby release the said lands and hereditaments, and the said _____, his heirs, executors, administrators, and assigns of and from the said principal sum and all interest now due in respect of the same. And the said Commission doth hereby reconvey, release, and grant the same premises to the said _____ his heirs, executors, administrators, and assigns, to hold the same unto and to the use of the said _____, free from such principal sum and all interest thereon.

Given under the common seal of the Commission, this _____ day of _____, in the year of our Lord one thousand eight hundred and _____
[Seal of the Commission.]

THIRD SCHEDULE.

Form of mortgage deed for loan to Municipal Council of Sydney or to municipality.

By virtue of the Government Savings Bank Act, 1899, we, the mayor and aldermen of [the corporation or municipality of _____ as the case may be], in consideration of the principal sum of _____ pounds lent to the said _____ by the Government Savings Bank Commission for the purposes of the said _____ do hereby grant and assign unto the said Commission all the rates and revenues arising, accruing, and to be raised or collected by us within and from the said _____, to hold the same to the said Commission until the said sum of _____, with interest for the same at _____ per centum per annum, shall be paid and satisfied, and the said principal sum shall be fully repaid to the said Commission at or before the end of _____ years from the date hereof.

Given under the common seal of the _____ this _____ day of _____, one thousand eight hundred and _____
[Signature of Mayor.]
[Seal.]

FOURTH SCHEDULE.

Form of release to Municipal Council of Sydney or municipality.

[To be endorsed on mortgage deed.]

The Government Savings Bank Commission, in consideration of the principal sum of _____ pounds lent by the said Commission to the within-named [corporation or municipality, as the case may be], and now repaid to the said Commission, together with _____ pounds, interest due thereon, doth hereby release the said [corporation or municipality as the case may be] and the rates and revenues thereof from the said principal sum and interest, and doth hereby reassign and reconvey the said rates and revenue to the said [corporation or municipality, as the case may be].

Given under the common seal of the said Commission, this _____ day of _____ one thousand eight hundred and _____
[Seal of the Commission.]